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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/823,892 | 04/13/2004 | James Thomas Bosler | BOSLERPR | 5652 |

7590 06/15/2005

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| EXAMINER |
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GRAHAM, GARY K

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| ART UNIT | PAPER NUMBER |
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1744

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,892

Applicant(s)

BOSLER, JAMES THOMAS

Examiner

Gary K. Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07062004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following is exemplary only.

In claim 1, line 2, there is no antecedent basis for "the roller handle" or "the thumb". In line 2, there is no antecedent basis for "the handle" and "the roller cage". In line 4, there is no antecedent basis for "the free rotation".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent (09206661) in view of Friess (US patent 5,875,514)

Art Unit: 1744

The Japanese patent discloses the invention substantially as is claimed. Note figures 1 and 2 wherein a paint roller assembly (10,30) is shown including a handle (16,36) which supports a paint roller (11,31). A pushrod (13,33) with brush protecting end piece (38a) is provided mounted slidably in a pushrod tunnel (17,37) near the handle or passing through the handle (fig.1A) such that a user may actuate it with their thumb. The pushrod acts to engage the paint roller to stop or prevent rotation of such. A spring (14,34) is provided around the pushrod to bias such.

The Japanese patent discloses all of the above recited subject matter with the exception of the paint roller being a roller brush including a roller cage for support thereof, a particular distance between the roller cage and handle, a particular angle of orientation for the push rod and the pushrod having an end piece attached by threads.

The patent to Friess discloses a paint roller assembly (fig.2) that includes a roller cage (13,14) supporting a roller brush (7).

It would have been obvious to one of skill in the art to employ a cage with the Japanese paint roller assembly, as clearly suggested by Friess, to provide lightweight support of the applicator. It also would have been obvious to one of skill in the art to employ a roller brush for the paint roller, as clearly suggested by Friess, to enable proper coverage of paint on rough surfaces.

With respect to claim 2, while the Japanese reference does not discuss a particular spacing between the paint roller (and thus cage) and the handle, such appears to relate more to the particular size of the assembly and particular application than any inventive concept. It would have been obvious to one of skill in the art to find the optimum spacing between the paint roller and handle, including as claimed, by routine experimentation. Optimization of the spacing does not appear to rise to the level of invention, lacking some criticality of such spacing.

Art Unit: 1744

With respect to claims 3, 7 and 9, while the Japanese patent shows the push rod as positioned on the rotational plane of the paint roller, it does not show such as being angled relative to the handle. However, to shift the orientation of the pushrod does not appear of patentable significance as the operation of the pushrod is not thereby modified. It would have been obvious to one of skill in the art to shift the location of the pushrod to an angle as claimed, to enable lateral offsetting of the paint roller from the handle, lacking any criticality of such angle.

With respect to claims 5, 7, 10, 12 and 13, while the Japanese patent shows the brush protecting end piece (38a) as being integral with the pushrod, to make such separate and threadably attachable appears an obvious variant thereof. It appears that the unity or diversity of parts would depend more on the choice of the manufacturer, and the convenience and availability of the machines and tools necessary to construct the pushrod, than on any inventive concept. The mere fact that a given structure is integral does not preclude it from consistent of various elements attached together. It would have been obvious to one of skill in the art to make the end piece of the pushrod of the Japanese patent separately attachable thereto, to enable ready replacement of just the end piece when such becomes worn or broken.

Art Unit: 1744

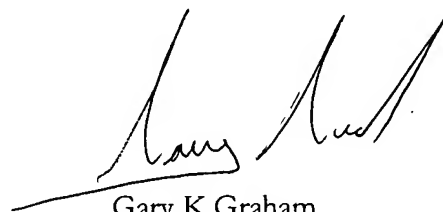
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free):



Gary K Graham
Primary Examiner
Art Unit 1744

GKG
10 June 2005